

1 DANIEL M. PETROCELLI (S.B. #97802)
2 dpetrocelli@omm.com
3 MATTHEW T. KLINE (S.B. #211640)
4 mkline@omm.com
5 DAVID J. MARROSO (S.B. #211655)
6 dmarroso@omm.com
7 O'MELVENY & MYERS LLP
8 1999 Avenue of the Stars, 7th Floor
9 Los Angeles, CA 90067-6035
10 Telephone: (310) 553-6700
11 Facsimile: (310) 246-6779
12 *Attorneys for Plaintiffs Colony Capital LLC*
13 *and Colony Investors IV, L.P.*

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

12 COLONY CAPITAL, LLC, a
13 Delaware limited liability company,
14 and COLONY INVESTORS IV,
15 L.P., a Delaware limited partnership,
16 Plaintiffs,
17 v.
18 THE NATIONAL RETIREMENT
19 FUND, and DOES 1 through 20,
20 inclusive,
21 Defendants.

Case No. 2:11-cv-07235 R (AGRx)

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE
UNDER FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(1)(A)(i)**

Honorable Manuel L. Real

NOTICE OF DISMISSAL WITHOUT PREJUDICE

NOTICE IS HEREBY GIVEN THAT, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs Colony Capital, LLC, and Colony Investors IV, L.P., voluntarily dismiss the above-captioned action without prejudice. Pursuant to agreement among the parties, each party shall bear its own costs and attorneys' fees.

Dated: October 10, 2011

Respectfully Submitted,

By: /s/ Daniel Petrocelli

DANIEL M. PETROCELLI
O'MELVENY & MYERS LLP
Attorneys for Plaintiffs Colony
Capital LLC and Colony Investors
IV, L.P.